REVENUE **(194 8) Department.**

Ms. No. **SERIES.**

G.O. NO. Ms. No. 346

Dated 16th February 1948

[Despatch Abstract.]

Prohibition - South Kanara) Mangalore - Arrack - Balance on the evening of 30-9-1947 . Disposal by pouring on the ground - cost of liquor - payment petition from Mr. Felix Albuquerque - Rejected -

Felix Albuquerque

FELISWADA,
MANGALORE,
13th October 1947

To

The Hon'ble Mr. Daniel Thomas, B.A.B.L.
Minister for Housing & Prohibition,
Fort St. George, Madras.

Sir,

Prohibition-- introduction from 1.10.47-South Kanara District--instructions--liquor--arrack--balance on the evening of 30th Septr. --1947--Disposal by pouring on the ground--Cost of liquor--payment--orders passed.

Ref:- Proceedings of the Board of Revenue (Excise) D. No. 1657 Abk/47 dated 29th Septr. 1947.

With reference to my petition dated 17th September 1947 to the Board, copy of which was sent to the Secretary to Government, Excise and Prohibition, Fort St George, Madras, for compensating me for the liquor poured out on the ground on the evening of 30.9.47, I have received orders from the Board in its Ref. D. No. 1657 Abk. 47 dated 29th Septr. 47 as follows:-

"Resolution:-

With reference to his letter cited, the distiller, Alexpai Distillery, Mangalore, is informed that he is not entitled to any payment of cost price for the liquor that would be destroyed on 30.9.47, under condition 19

of the contract license.

Condition 19 reads as follows:-

" On expiry, cancellation or forfeiture of the license, the balance of liquor in hand shall be forthwith surrendered to the Collectors. It will thereupon become the property of the Government and may be destroyed or otherwise disposed of by the Collectors. If such liquor be sold the net sale proceeds of liquor will be paid to you within a period of two months, provided that if on or before the expiry of the said period of two months you should be indebted to Government in any sum, the whole of the said net price or so much thereof as shall be equal to the sum in which you shall be so indebted may be retained by the Collector."

This read with condition 8 which states that such minimum stock of spirits as may be fixed by the Collector shall be maintained at each Distillery, warehouse or wholesale depot opened by me. It adds that whenever the stock falls short of this minimum, the Collector may order in supplies the cost of which shall be recoverable from me in the manner provided in condition 11 &c.

rra. Condition 11 speaks of nothing but penalty in the event of the minimum stock not being maintained.

Schedule I says:-

"Under condition 8 supra you are further "required to maintain at your distillery at "Mangalore a minimum stock of 1500 p. gal- "lons of jaggery arrack including a stock of " 600 gallons of 35° u.p. during June and " September 1947."

Schadule II says:-

"You shall produce sufficient jaggery "arrack to supply the demand of shop-keepers "of South Kanara District during June ~~and~~ " September 47 which will be limited to " 9240 proof gallons a month."

With reference to Board's C. R. No. 14766/ Abk 47-XA dated 1st September 1947 in the last sentence of paragraph 1 (i) under depots the Collector of South Kanara had been asked to see that the duty paid on the evening of 30.9.47 is refunded to the licensee; but it was silent on the point of paying the cost of the liquor destroyed which was actually manufactured in terms of the contract. It was presumed that it would also be paid for; but the point in question had to be definitely

made clear and definite orders issued in the matter. Para 1 (ii) of the Board's orders - also required pouring out of the liquor in the presence of the Distillery Officer. If definite orders with regard to the payment of the liquor destroyed are not passed the Distiller will have to suffer a heavy loss.

Under the terms of the contract a monthly quota of 9240 proof gallons of arrack had to be distilled. As I had, however, perceived from the indents furnished by the depot keepers that the requirements of the arrack in the depots were going down, I slowed down distillation, in fact suspended it in time, with a view to distil further if there were further indents. Yet I expected some liquor to remain over out of that already manufactured as per general instructions already issued by the Board.

Having taken all the possible care to avoid surplus stock, I mean stock which remained over, but which had to be maintained and manufactured under the rules to meet any contingency of full quota indents pouring in some stock remained over. The quantity detailed below stood over:-

At the Distillery ... 305.4 Gallons.

At the moffussil.

Moodabidri	...	0 15	drams.
Mangalore	... ..	20 10	"
Byndoor	... --	11 36	"
Moolky	... ..	1 23	"
		33 36	or 33.7
		plus.,	305.4
			339.1

As the quantity of 339.1 Gals. was actual ly destroyed, I have to be paid Gallonage cost price on it. I, therefore, request that taking into consideration that I had to buy and import jaggery in Railway waggons from distant places paying heavy prices and freight and loading and unloading charges, pay of the establishment, use of the lorries for getting firewood from far away places and paying for the drivers engaged in that work together with the conductors and wear and tear of the materials, and the use of the building for the manufacture of these 339.1 Gals also has cost me heavily and in due justice and fairness to me the losses incurred have to be made good and myself recompensated at least in the shape of cost price.

I also request early orders in the matter.

For ready reference I enclose copies of my

petition to the Board, Board's orders and extracts taken from the conditions of the license which are relevant to my case.

Yours faithfully,

Frances Jacques

APS/APS

ALEXPAI DISTILLERY, Feliswada.
FELIX ALBUQUERQUE, Mangalore, 17th September 47.
PROPRIETOR.

To

The Secretary to the
Commissioner of
Irrigation, Excise and Prohibition,
Chepauk, Madras.

Sir,

Prohibition-- introduction from 1.10.47 --in South Kanara District--instructions for recovery of licenses--and disposal of stock of liquor --in depots and distillery--evening of 30.9.47--issue of

Ref:- Board's C. R. No. 14766/Abk 47--XA dated 1st September 1947.

In the last sentence of paragraph 1 (i) under depots Collector of South Kanara has been asked to see that the duty paid on the evening of 30.9.47 is refunded to the licensee: but it is silent on the point of paying the cost of the liquor destroyed which was actually manufactured in terms of the contract. It is presumed that it will also be paid for; but the point in question has to be definitely made clear and definite orders issue in the matter. Para 1 (ii) of the Board's orders also require pouring out of the liquor in the presence of the Distillery Officer. If definite orders with regard to the payment of the liquor destroyed are not passed the Distiller will have to suffer a heavy loss.

Under the terms of the contract a monthly quota of 9240 proof gallons of arrack has to be distilled. As I,

8

however, perceived from the indents furnished by the Depot Keepers that the requirements of arrack in the depots were going down. I slowed down distillation, in fact, stopped it in time. Yet I expect some liquor to remain over out of that already manufactured as per general instructions already issued by the Board.

As all the liquor in stock at the Distillery or at the arrack depots etc. which remains over out of that already manufactured and stocked has to be destroyed on the evening of 30.9.47. I request immediate orders also for payment of the price of arrack destroyed or poured out on the road which was actually manufactured in terms of the contract.

Yours faithfu...

Sd/ F. P. S. Albuquerque.

Post Box No. 105 Telegraphic Code Word "Quyadarce"

Proceedings of the Board of Revenue (Excise). D.No.1657 Abk.47 dated Dated 29th Septr. 1947.

V. H. Kudva Esq, C.I.E.I.C.S.
Commissioner of Irrigation, Excise and Prohibition.

Subject:- Liquor--Arrack--Balance on the evening of 30th Septr. 1947--in South Kanara Dt--Disposal by pouring on the ground--Cost of Liquor--Payment--orders passed.

Read:- Board's Ref. C. R. No. 11766 Abk dated 1.9.47.

From the Distiller, Alexpai Distillery, Mangalore, ~~dated~~ letter dated 17th Septr. 1947.

From the Assistant Commissioner, West Coast Sub Division, C.R.No.2986/47-D, dated 22nd September 1947.

Resolution:-

With reference to his letter cited, the Distiller, Alexpai Distillery, Mangalore, is informed that he is not entitled to any payment of cost price for the liquor that would be destroyed on 30-9-47, under condition 19 of the contract license.

(True extract)

V.K.Kumaran Unni,
Asst. Secretary.

The Distiller, Alexpai Distillery, Mangalore (para 1 only).
Copy to the Collector of South Kanara (para 1 only).

Copy to the Asst. Commr. for Distilleries (para 1 only).
Dy. Commissioner, Prohibition (Enforcement) (para 1).
Inspector, Southern Distillery Circle (para 1 only).
Distillery Officer, Mangalore (para 1 only)
Asst. Commr. West Coast Sub Divn. (whole) with an enclosure.

Forwarded/By order.

Sd/ E. Martyn,

30-9-47

Senior Superintendent.

(True copy)

License granted to the contract supplies of country spirits to the excise tracts of the S.K.District.

Such minimum stock of spirits as may be fixed by the Collecte shall be maintained at each Distillery, warehouse or wholesale depot opened by you.except towards the close of the lease, when special orders shall be issued by the Collector, if the lease is not renewed. Whenever the stock falls short of this minimum, the Collector may order in supplies, tho cost of which shall be recoverable from you in the manner provided in conditi 11 infra. In case you hold more Districts than one, the .. Commissioner will control the Collectors in the matter of minimum stocks.

11. Failure to supply spirits as specified in condition 10 supra within what the Collector considers a reasonable time will entail a penalty at the discretion of the Collector not exceeding Rs.5 per proof gallon of spirits not supplied for ever day during which the failure continues. In such cases spirits may be purchased elsewhere by the Collector at his discretion at your risk. The penalty, the cost of the spirits purchased and any loss to Government that may result amy be deducted from the amount due to you, if any, or from your deposit, or may be recovered under the Revenue Recovery Act.

19. On expiry. cancellation or forfeiture of the licence, the balance of liquor in hand shall be forthwith surrendered to the Collectors. It will thereupon become the property of the Government and may be destroyed or otherwise disposed of by the Collector. If such liquor be sold, the net sale proceeds of liquor will be paid to you within period of two months, provide that if on or before the expiry of the said two months period of you should be indebted to Government, in any sum, the whole of the said net price or so much thereof as shall be equal to the sum in which you shall be so indebted may be retained by the Collector.

1**** **********

******** **********

Under condition 8 Supra you are further required to maintain at your Distillery at Mangalore a minimum stock of 1500 p.gallons or jaggery arrck including a stock 600 glns of 35. u.p.during June and Sept.'47

Schedule 11 **********

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****

You shall produce sufficient jaggery arrack to supply the demand of shopkeepers of South Canara District during June to September 1947 which will be limited to 9240 proof gallons a month.

5/11

13 Rev Dept

Memo No S 3 55 D 147-1 dated 3/11.47

Prohibition - South Kanara - Introduction from 1.10.47 - Balance of liquor arrack on 30.9.47 Payment of compensation

From Mr Felix Albuquerque petition dated 13.10.47

A copy of the petition from Mr Felix Albuquerque is forwarded to the Bd of Rev for remarks ~~The Bd is also requested to send~~ with the connected records.

30/11/47

dtd 7/11/47 received 2.12.47

8.12.47

BOARD OF REVENUE (EXCISE) DEPARTMENT.

Sub: PROHIBITION - South Kanara - Introduction from 1st October '47 - balance of liquor (arrack) on 30-9-47 - payment of compensation.

Read: Government Memo No.5355 D/47-1 Revenue dated 3-11-47

C.R.36710 Abk/47

Station - Triplicane, Madras,5. Dated 12-1-48.

From

Md.Munzoor Husain Khan Sahib Bahadur,B.A.(Hons).
Assistant Secretary, Board of Revenue(Excise).

V.N.Kudva Esq.,C.I.E.,I.C.S.,
Member, Board of Revenue & Commissioner of Land Revenue,
Excise & Prohibition.

Reference:

The Board submits the following remarks on the petition, communicated with the Government memo cited.

Consequent on the introduction of Prohibition in South Kanara district from 1-10-47, the Alex Pai distillery and the arrack wholesale depots in South Kanara district were closed. The arrack in the distillery and in the depots was jaggery arrack. The Board directed that the arrack left in the Mangalore distillery and in the various depots on the evening of 30-9-47 should be destroyed as the cost of jaggery arrack was very high when compared with the cost of molasses arrack and as the Board has no power to compel other distillers to purchase this arrack. The duty paid on this arrack was ordered to be refunded.

P.T.O.

The distiller applied for compensation for the cost of arrack destroyed; but the Board refused this request and drew the attention of the distiller to condition 19 of the conditions of contract according to which he is not entitled to any compensation for the cost of arrack destroyed.

— pp 16-18 ung

A copy of the licence granted to the distiller is submitted herewith. According to condition 8 of the licence the distiller was bound to maintain a minimum stock of arrack in the distiller and depots, except towards the close of the lease, when special orders shall be issued by the Collector. The Collector of south Kanara has reported that no special orders regarding the maintenance of minimum stock towards the end of the lease were issued by him. The cost of liquor destroyed in the areas of other Distilleries, was not paid to them and none of them claimed it.

The distiller, Alex Pai distillery, Mangalore was not new to the trade and he knew the licence conditions of arrack contract. He had accepted the licence conditions and he has, therefore, to abide with condition 19 of the licence conditions. In the circumstances the Board considers that the distiller has no claim for compensation.

The connected records noted in the margin* are submitted herewith.

* 1. B.P.R.1613 Abk/47 — B
2. B.P.D.1657 Abk/47 .
3. Copy of contract licence.

pp 15-C ung

Munzoor Husain
12/48

ASSISTANT SECRETARY

k.R. 12-1.

To

The Assistant Secretary to Government, Revenue Department,
M a d r a s (with encls).

12/12

11

LICENCE GRANTED TO THE CONTRACT SUPPLIES OF COUNTRY SPIRITS TO THE EXCISE TRACTS OF THE SOUTH KANARA DISTRICTS.

I, J.F.Saunders, Esq.,M.B.E.,I.C.S.,Collector of the South Kanara District, under the provisions of the Madras Abkari Act I of 1886, hereby grant you, Mr.F.P.S.Albuquerque, Mangalore, the exclusi privilege of supplying country spirits to the excise tracts of the South Kanara district from 1st June 1947 to the 30th September 1947, subject to the following conditions to be observed by you, the said licensee.

CONDITIONS.

1. You shall be bound by the General conditions applicable to all Abkari and opium licences and the special conditions applicable to arrack licences as notified by the Commissioner from time to time, so far as they concern you, and by the following conditions which are special to this contract.

2. The spirits shall not be distilled at a higher strength than 30 O.P. A working margin 5 , however, will be allowed, but the spirits of strengths between 35 O.P. and 30 O.P. must be broken down to 30 O.P. or below by blending with weaker spirits before reduction to issuable strengths at the distillery and before issue to the warehouse.

3. The privilege conferred extends only to the supply of country spirits of the strengths of 35 under proof and 60 under proof. A fee will be collected from you on this licence, quarterly in arrears, at the rate of three pies on every bulk gallon of country spirits issued from a distillery or warehouse established by you to the shops and depots in the area covered by your contract licence.

4. You shall establish in each contract area a distillery or warehouse or both as may be determined by the Commissioner,and wholesale depots at such places as the Collector may in each case determine to be necessary for the due supply of the district. Private persons will also be allowed to open depots with your consent and subject to the approval of the Collector and after depositing with the Collector such amount as may be required by him as security for the proper fulfilment of the conditions of the licence,and if the Collector is satisfied that a depot opened at any place by a private person is worked so as to meet all local requirements,you shall not be obliged to maintain a depot at that place. The distillery or warehouse or both and the wholesale depots to be established by you for the present are as given in the annexed schedule. A fee of Rs.50/-per year will be charged for the licence granted for each warehouse and a fee of Rs.15/- per year for the licence for each depot established by you. A fee of Rs.100/-will be charged for each distillery licence. The warehouses and wholesale depots shall be in buildings approved by the Commissioner and Collector,respectively, and spirits shall not be kept or issued wholesale except at the above places. Issues from the distillery and warehouse to wholesale depots shall be on payment of the prescribed rates of excise duty into a Government Treasury unless you have an advance account with the Treasur

5. Is the depots worked by your nominees are not worked to the satisfaction of the Collector,that officer may close them and call upon you to open the depots.

6. The spirits supplied shall be of good quality and if found unfi for human consumption after analysis in the Commissioner's office laboratory, will be rejected and destroyed under the orders of the Commissioner. The Officers in charge of distilleries and warehouses will be empowered to stop, pending the orders of the Commissioner, the issues of spirits which they may consider bad, and will be required to send samples of such spirits for analysis without delay. Purchasers shall be entitled to object to the quality of the spirits before taking delivery but not afterwards. The validity of all such objections shall be decided by the Collector.

7. Unless the Collector shall specially order otherwise, spirit shall be issued only to wholesale depot-keeper and independent shop-keepers within the tract leased.

8. Such minimum stock of spirits as may be fixed by the Collector shall be maintained at each distillery, warehouse or wholesale depot opened by you, except towards the close of the lease, when special orders shall be issued by the Collector, if the lease is not renewed. Whenever the stock falls short of this minimum, the Collector may order in supplies, the cost of which shall be recoverable from you in the manner provided in condition 11 infra. In cases where you hold more districts than one, the Commissioner will control the Collectors in the matter of minimum stocks.

9. The rates of excise duty sanctioned for the district and the prices to be charged at the distillery or warehouse and at wholesale depots are given below, but Govt. reserve the power of altering the rates of excise duty during the currency of the lease:--

Rates of excise duty sanctioned.		Prices to be charged at the distillery or warehouse and at wholesale depots.			
For gallon of 35 U.P.	Per gallon of 60 U.P.	Source of supply, distillery warehouse or wholesale depots.	Kind of arrack.	Per gallon of 35 U.P.	Per gallon of 60 U.P.
Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.
7-5-0	4-8-0	Mangalore Distillery.	Jaggery.	2-9-6	
		Wholesale Depots.		3-1-6	

10. Licensed vendors of the kinds specified in condition 7 supra shall be entitled to have spirits issued to them in the order of their applications and with all reasonable despatch in such quantities and at such strength as may be required, in the case of issue from the distillery or warehouse, on proof of payment into a Government treasury of the excise duty at the prescribed rates, unless you have an advance account with the treasury in which case the duty up to the limit of the balance in your favour in that account may be paid to you; in the case of issues from the wholesale depots established by you and private parties, on payment to the depot-keeper of the excise duty and cost price. In the case of issues from the distillery or warehouse to your depots the excise duty must be paid or debited to your advance account. Shop-keepers are entitled to obtain liquor from a distillery or warehouse even if there is a wholesale depot in the same place.

11. Failure to supply spirits as specified in condition 10 supra within what the Collector considers a reasonable time will entail a penalty at the discretion of the Collector not exceeding Rs.5/- per proof gallon of spirits not supplied for every day during which the failure continues. In such cases spirits may be purchased elsewhere by the Collector at his discretion at your risk. The penalty, the cost of the spirits purchased and any loss to Govt. that may result may be deducted from the amount due to you, if any, or from your deposit, or may be recovered under the Revenue Recovery Act.

12. Unless the Commissioner shall give special orders to the contrary, all spirits shall be stored in vats.

13. If the Collector so orders you shall be bound to take over at your contract rate any quantity of spirit of good quality which existing contractors may leave in their warehouses or wholesale depots not exceeding two months' supply of the tract concerned, and you shall be bound to hand over at the close of your lease at the same rate such quantity not exceeding two months' supply as the Collector may direct; provided that the Collector shall give one month's notice of his requirements under this condition. You shall have no claim to compensation from any one on account of the stock of liquor left in depots or shops on 1st October 1947.

14. An account will be taken of your stock of spirits at the distillery or warehouse at such intervals, not being greater than three months, as

C8

as the Commissioner may direct, and you shall pay to Govt. duty at the tariff rate on all spirits which may not be forthcoming, and which could not be accounted for to the satisfaction of the Commissioner in excess of an allowance of 1½ per cent which will be made to you for wastage and calculated annually. If the licence is granted for a period of less than twelve months the wastage shall be calculated at the end of such period. This provision is subject to variation under special agreements with reference to condition 12 supra. The allowances made for wastages in transit will be in accordance with the general rules governing the subject.

15. You shall observe and keep all the rules applicable to distilleries and warehouses generally and to the issue of spirits therefor prescribed by Govt. and published in the Fort St.George of the 4th October 1932, as notification No.411 dated 19th Septembe 1932, and also all such further rules as may under the authority of the Madras Abkari Act I of 1886, or other law for the time being in force and relating to the Abkari revenue, be made by Government or by the Commissioner of Excise.

16. You are prohibited from holding within your contract area any interest in the retail vend of arrack or in the vend of other intoxicating liquors such as toddy, foreign liquor and beer, and fr employing any person who has such interest. This prohibition does extend to the wholesale supply of foreign liquor or of rectified spirit to licensed vendors; nor does it prevent you from holding an interest in the retail sale of country spirits in areas other than those for which you have been granted the supply contract, or from holding ganja and opium shops either within or without your contrac area.

17. The Commissioner reserves the right to cancel the licence without any notice if you are declared insolvent by competent Court

18. When the period of licence expires and the conditions of the licence have been fulfilled you shall surrender your licence and th Secretary to the Commissioner willreturn to you the deposit made by you form the due performance of the contract or so much thereof as shall remain after such deductions as are herein provided for have been made.

19. On the expiry, cancellation or forfeiture of the licence, the balance of liquor in hand shall be forthwith surrendered to the Collector. It will thereupon become the property of the Government and may be destroyed or otherwise disposed of by the Collector. If such liquor be sold, the net sale proceeds of liquor will be pa to you within a period of two months, provided that if on or before the expiry of the said period of two months, you should be indebted to Government, in any sum, the whole of the said net price or so much thereof as shall be equal to the sum in which you shall be so indebted may be retained by the Collector.

20. In all matters not expressly provided for herein you shall accept the ruling of the Commissioner.

21. Infraction of any of the conditions of the licence either b you or by any persons in your employment will entail on you at the discretion of the Collector (a) fine upto Rs.50/- or (b) forfeitur of deposits and cancellation of licence and disposal of the privil at your risk.

22. With the sanction of the Board of Revenue, the licence shall revokable by the Collector at his discretion on giving the 15 days notice of such r vokation, in which case a proportionable part of the fee, if any paid, will be refunded. The licensee shall not be entitled to claim any compensation on account of such revokation.

Schedule I showing the names of places where wholesale dep are required to be established under condition 4 supra.

Wholesale Vend Depots.

I.T.C.

1. Mangalore. 2. Mukkiar 13. Hubli.

Wholesale Vend Depots.

1. Mangalore.
2. Moolky.
3. Buntwal.
4. Kasaragod.
5. Puttur.
6. Beltangady.
7. Sullia.
8. Uppinangady.
9. Vittal.
10. Udipi.
11. Brahmavar.
12. Coondapoor.
13. Hobri.
14. Baindur.
15. Karkal.
16. Moodabidi

Under condition 8 supra you are further required to maintain in your Distillery at Mangalore a minimum stock of 1500 proof gallons of jaggery arrack including a stock of 600 gallons of 35 u.p. during June to September 1947.

Schedule II.

Arrack shops within a radius of 5 miles of the Mangalore Distillery.

A.S. 1. Mangalore Kasba Bazaar (Webster Market.)
2. Mochikeri.
3. Kodialbail (Jedigudde).
5. Attavar (Pandigudde)
6. Mangalore Thota (Bolar)
7. -do- (Mahaklipadapu)
8. Kadri (Mallikatte).
9. Jeppinamogar.
10. Kodialbail (Bijai).
11. Kadri (Mundan).
12. Bolur.
13. Derebail.
14. Kavoor.
15. Padukodi.
16. Kankanady.
17. Padavu.
87. Ullal.
92. Attavar (Hoige Bazaar).

You shall produce sufficient jaggery arrack to supply the demand of the shop-keepers of South Kanara district during June to September 1947 which will be limited to 9240 proof gallons a month.

S.K.Collector's office,
Mangalore.Dated 27-5-47.

Sd. K.Ghulam Mahmood,
For Collector.

In witness whereof, I, F.P.S.Albuquerque, have set my hand this 30th days of May 1947 at Mangalore.

Sd. F.P.S.Albuquerque.

Witness:- (1) Sd.

(2) Sd.

(True Copy)

S.K.Collector's Office,
Mangalore,dated 10-12-47.

20

Rev Appln

[CRM 5353D/17] From Mr Felix Albuquerque petition dated 13.10.17

From the Bd your Rpt CRM 36710 Abbl/ 17 dated 12.1.18

GO Ms No 346 dated 16.2.18

The Govt see no reason to intervene on behalf of the petitioner. The petition is ~~to be~~ rejected.

To

Mr Felix Albuquerque
Felix Villa
Mangalore

Copy to the Bd your Rpt (Revn).
(with two records)

Dpd with enclosures
15/2/18

Rev Dept

CRO 53555 D/47

Prohibition. (South Kanara). ~~Liquor case~~ Arrack Balance on the evening of 30.9.47. Disposal by pouring on the ground - cost of liquor. Payment.

dis 1-6 cf From Mr Felix Albuquerque letter dated 13.10.47

1.11.47 Memo No 53555 D/47-1 dated 3.11.47

dpp 14-15 cf From the Bd of Rev Mgr CR 36710 Alk/47 dated 12.1.48.

TOAS

Please see the petition from Mr Felix Albuquerque at dd 1-6 cf, the memo to the Bd of Rev at d 13 cf and the Bd's order at dd 14-15 cf

2. Mr Felix Albuquerque has stated in his application that consequent on the introduction of Prohibition ~~on~~ in South Kanara on 1-10-47, all the liquor left over on the night of 30.9.47 was destroyed. He requests that he should be paid the cost of the ~~quantity~~ arrack that was destroyed.

d 1 cf

d 3 cf

3. The Bd has stated that ~~under~~ as the cost of the jaggery arrack was much higher than the molasses arrack supplied in other parts of the Province, it could not compel other distilleries to purchase the same. Govt therefore ordered the destruction of the arrack. It ordered the refund of duty paid on the arrack left over and destroyed. It states that under

d 1 & 2 cf A/ST

d 4 cf

d 5 cf

condition 19 of the agreement executed by the Distillers and the Collector of South Kanara, no amount is payable to the petitioner. It also states that the Distillers were not aware of the trade and hence fully unaware about the conditions of the contract. and that other Distilleries, whose liquor had also been similarly destroyed, had not claimed any compensation. The Govt considers that the Distiller has no claim for compensation.

4. The arrack supply contract for the half year ending 30.9.47 for South Kanara was given to the petitioner and the Govt & the petitioner entered into a contract for governing their relationship both the parties are bound by the contract. Under condition 19 of the contract, the petitioner is not entitled to any compensation for the arrack destroyed. The Govt may therefore agree with the Board and reject the petitioner's request. For orders.

Attention is invited to the notes on the file at A

Legal and Fin may see for remarks before circulation

[illegible]
27/1/48

[illegible]
28/1/48

Legal Adviser

ASSISTANT SECRETARY
S/A
30 JAN 1948
LEGAL DEPARTMENT

C 1133

LEGAL DEPARTMENT.

p 18 cf

In view of condition 19 of the licence, the petitioner is not entitled to any compensation for the arrack destroyed on the expiry of the term of licence.

Sec cl 8, p 17 cf

The petitioner was not under an obligation to maintain minimum stock of spirits at the end of the licence period,

p 15 cf

as it is stated that no special orders in that behalf were issued by the Collector as required by condition 8. In fact, the Board issued instructions as early as 22nd August 1947 in regard to the disposal of stocks in the depots and distillery in the South Kanara District on the evening of 30-9-1947 and a copy of these instructions was also sent to the petitioner - see pages 27-28 of (B).

Fin (Exp. A)

I in may agree with the remarks of Rev & Legal p/s 2-3 above.

Rev

Tours

Please see the notes of Legal and Fin above. Both the departments agree with this 'depth' view that no compensation need be paid to the petitioner. ~~and that~~ the petitioner's request may be rejected.

A draft order is submitted for approval

14/2 (Pachu)